

Sylvania City Council

October 7, 2013

**7:30 p.m. Council Meeting
Agenda**

1. Roll call.
2. Pledge of Allegiance to the United States of America led by Mr. Brown.
3. Additions to the agenda.
4. Approval of the meeting minutes of September 16, 2013.
5. Vacancy on City Council.
 - a. Letter of resignation from Mark Luetke.
 - b. Appointment to fill unexpired term of Mark Luetke.
6. Memo from Kevin Aller, Director of Public Service regarding Stray Cats.
7. Notice of liquor permit for D1, beer on premises consumption until 1:00a.m., permit from AMW Brothers, Ltd. d/b/a/ Sylvania Diner, 5623 W. Alexis Rd., Sylvania, OH 43560.
8. Amendments to Part Eleven-Planning & Zoning Code Section- Accessory Buildings & Uses. (Recreational Equipment)
 - a. Ordinance 70-2013, Amending Part Eleven-Planning & Zoning Code, Section 1117.07-Accessory Buildings & Uses.
 - b. Ordinance 72-2013, Amending Part Eleven-Planning & Zoning Code, Section 1119.07-Accessory Buildings & Uses.
 - c. Ordinance 73-2013, Amending Part Eleven-Planning & Zoning Code, Section 1121.07-Accessory Buildings & Uses.
 - d. Ordinance 74-2013, Amending Part Eleven-Planning & Zoning Code, Section 1123.07-Accessory Buildings & Uses.
9. Brint & McCord Intersection Improvements:
 - a. Service Director's report on engineering services; and
 - b. proposed Ordinance 75-2013, Authorizing amendment to agreement to change scope of project.
10. Proposed Ordinance 76-2013, Appropriating the Fee Single Title to the City of Sylvania in and to certain real estate for the construction of Brint & King Roundabout; authorizing expenditure of \$23,750.00.

11. Proposed Ordinance 77-2013, Revising the Codified Ordinances thereof by creating the new position of "Assistant Director of Law"; amending Codified Ordinance Chapter 131-Department of Law to add the position of "Assistant Director of Law" under the supervision of the Director of Law from December 1, 2013 through December 31, 2013 at which time the position of "Assistant Director of Law shall be eliminated, amending Section 139.02(e)(3) to set salary.
12. Correspondence from Freshwater Future; possible request for legislation regarding Asian Carp.
13. Committee reports.
14. Committee referrals.

Information

- A. Memo from Bill Sanford regarding Balfour property.
- B. September 2013 Income Tax Report.
- C. September 2013 Bank Statement.

Minutes of the Meeting of Council
September 16, 2013

The Council of the City of Sylvania, Ohio met in regular session on September 16, 2013 at 7:30 p.m. with Mayor Craig A. Stough in the chair. Roll was called with the following members present: Mike Brown, Katie Cappellini, Doug Haynam, Sandy Husman, Mark Luetke, Todd Milner, Mary J. Westphal (7) present.

Roll call:
All present.

Mrs. Westphal led the Pledge of Allegiance to the United States of America.

Pledge of Alleg.

Mayor Stough stated that Council will now consider agenda item 3.

Requests were made for the following additions to the agenda:

Additions to the
agenda.

12. Set Halloween Trick or Treat Date.
13. Report on Sister City upcoming activities.
14. Request for recognition of McCord student at the Karate World Championships.

Mr. Haynam moved, Mrs. Westphal seconded, to approve the agenda as amended; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 4.

Mr. Milner presented the September 3 minutes. Mr. Milner moved, Mr. Haynam seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of September 3, 2013 be approved; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Approval of the
September 3
minutes.

Mayor Stough stated that Council will now consider agenda item 5.

Deb Chaney, Executive Director of SCAT provided an update on their organization. She reported on the programs that benefit the schools and the community, and the grant submissions and fundraisers for operation of the organization.

SCAT Update.

Mayor Stough stated that Council will now consider agenda item 6.

Minutes of the Meeting of Council
September 16, 2013

Ms. Janice Pierson, 4615 Vicksburg Dr., representative for neighbors on Vicksburg Dr. provided information on feral cats in their neighborhood. She reported the damage to properties and the funds put forward by the neighbors to contain the problem. After discussion, the city will review enforcement options, possible actions and reach out to organizations to help with the situation. Feral cats.

Mary Fair, 5727 Balfour provided information on cat problems in the past and that she contacted area farmers who took the animals for their barns for rodent control.

Mayor Stough stated that Council will now consider agenda item 7.

Mayor Stough presented the Municipal Planning Commission's recommendation regarding Zoning Amendment Petition No. PD-3-2013, Amendment to the Master Development Plan on the campus of Flower Hospital to accommodate the proposed nursing care facility. Mr. Haynam moved, Mrs. Westphal seconded to set the public hearing for November 4, 2013 at 6:00 p.m. and authorize the clerk to advertise the same; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas, (0) nays. The motion carried. PD-3-2013, "Flower Hospital ...set public hearing 11/4/13 at 6:00 p.m.

Mayor Stough stated that Council will now consider agenda item 8.

Service Director's report on the Monroe Street Reconstruction Design Services was placed on file. Mr. Brown presented and read aloud by title only, proposed Ordinance 71-2013, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to approve the amendment to the City's agreement with Mannik & Smith Group to reflect the additional design services requested; increasing the proposal amount by \$22,424.66; appropriating funds therefore; and declaring an emergency." Mr. Brown moved, Mr. Milner seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam, (7) yeas; (0) nays. The motion carried. Ord. 71-2013 "Authorizing ...additional design services... Monroe St Reconstruction 22,424.66"

Mr. Brown moved, Mrs. Husman seconded, that Ordinance 71-2013 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 9.

Minutes of the Meeting of Council
September 16, 2013

There was discussion on the proposed Ordinance 70-2013, Amending Part Eleven- Planning and Zoning Code Section 1117.07-Accessory Buildings & Uses. (Recreational Equipment Storage). It was noted that these revisions should be included in other zoning classifications, along with possible screening guidelines. Administration will revise legislation for council review at the next meeting, October 7th.

Recreational
Equipment
Storage
discussion.

Mayor Stough stated Council will now consider added agenda item 12.

Mr. Haynam moved, Mrs. Westphal seconded to set the Halloween Trick or Treat for October 31st from 6:00 p.m. to 7:30 p.m.; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Trick or Treat set
10/31/13
6:00-7:30p.m.

Mayor Stough stated Council will now consider added agenda item 13.

Mayor Stough reviewed the up-coming activities of Sister City including the Fall Festival, October 20th, Pre-festival Dinner October 19th, and Woodstock Santa Claus parade, November 16th.

Sister City
activities.

Mayor Stough stated Council will now consider added agenda item 14.

Mrs. Cappellini requested the city to recognize 6th grade student, Skylar Short from McCord school that earned a spot on the team representing the U.S. in the Karate World Championships in Italy in October after winning the national championship. A resolution will be prepared for presentation at a future council meeting.

Skylar Short
...World
Championship
attende in Italy.

Mayor Stough stated that all items on the agenda had been considered.

Adjournment.

Mrs. Westphal moved, Mr. Luetke seconded, that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned 8:53 p.m.

Clerk of Council

Mayor

MARK D. LUETKE
4327 TODD DRIVE • SYLVANIA, OHIO 43650
419-882-8460

RECEIVED

5a

SEP 30 2013

CITY OF SYLVANIA

September 30, 2013

Ms. Sharon Bucher
Clerk of Council
City of Sylvania
6730 Monroe Street
Sylvania, Ohio 43560

Dear Ms. Bucher:

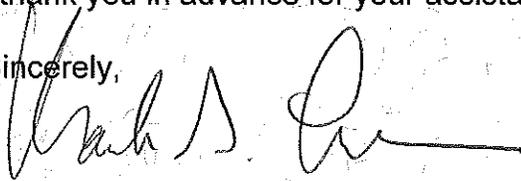
I am retiring as an employee of the City of Sylvania and resigning as a member of Sylvania City Council, effective immediately.

Further, pursuant to Ohio Revised Code § 145.38(C)(3)(c), I hereby notify Sylvania City Council that, effective October 1, 2013 and prior to any future appointment to Sylvania City Council, I am already retired in the Ohio Public Employees Retirement System.

Please note that, in the event I am appointed to Sylvania City Council for the unexpired term ending on December 31, 2015, the Ohio Public Employees Retirement System requires the City of Sylvania to certify certain aspects of my re-employment on Form SR-6E, which is attached hereto. This form must be filed by the end of the month that re-employment begins.

I thank you in advance for your assistance in this matter.

Sincerely,



Mark D. Luetke

c: Members of Sylvania City Council
Mayor Craig Stough
Department of Personnel

Memo

To: Mayor and Members of City Council
From: Kevin G. Aller, Director of Public Service
CC: Jim Moan, Director of Law
Date: 10/4/2013
Re: Stray Cats

Dear Mayor and Council Members,

We have had discussions with various persons in the area of Vicksburg Drive and Woodland Lane to address the concern of an allegedly increasing cat population. Those discussions, while fruitful, ultimately come down to your affection or lack thereof for cats in general.

We have also discussed the situation with representatives of Humane Ohio Spay/Neuter Clinic located on Tremainsville Road in Toledo. This organization will provide proper traps for area residents to set on their property. The property owner takes the trap back to Humane Ohio once a cat has been trapped. The clinic will then spay/neuter the cat and tip its ear so everyone knows it's already been spayed/neutered. The cat is returned to the area in which it was trapped. This program does not affect the current population but it does control the population growth. If kittens are trapped it may be possible for them to be adopted but that is evaluated on a case by case basis.

Our proposal is to share in the cost of the program with concerned homeowners. There is a \$60 refundable deposit required for each trap used. This deposit would be paid by the homeowner as they would get it back upon return of the trap. There is a cost of \$25 for the spay/neuter process and an additional charge of \$6 if the rabies vaccination is also given. Total maximum cost of each cat is therefore \$31. Our proposal would be to reimburse the homeowner half the cost, maximum of \$15.50, for each cat that is trapped and spayed/neutered through this program.

Humane Ohio did share that a group of residents in a nearby subdivision had organized and cooperated together to handle a similar situation. Those involved agreed to share the program costs and ultimately captured and spayed/neutered almost 30 cats.

We believe our proposal is an amicable solution and one that we can move forward with cooperation of the neighborhood representatives if so directed. Thank you.

0006052 PERMIT NBR
AMW BROTHERS LTD
DBA SYLVANIA DINER
5623 W ALEXIS RD
SYLVANIA OH 43560

AFIF I MOUSSA

05/21/2009 ACTIVE

MNMB5%V5%M

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

ORDINANCE NO. 70 -2013**AMENDING PART ELEVEN – PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF SYLVANIA, 1979, AS AMENDED, BY AMENDING SECTION 1117.07 – ACCESSORY BUILDINGS AND USES; APPROVING THE RECOMMENDATION OF THE SYLVANIA MUNICIPAL PLANNING COMMISSION; AND DECLARING AN EMERGENCY.**

WHEREAS, at the February 19, 2013 meeting of Sylvania City Council, the proposed amendment to Sylvania Codified Ordinance Section 1117.07 was referred to the Zoning and Annexation Committee for its review and recommendation; and,

WHEREAS, the Zoning and Annexation Committee met on February 28, 2013 to consider the proposed amendment and thereafter at the March 4, 2013 meeting of Sylvania City Council recommended that the proposed amendment be referred to the Municipal Planning Commission for its review and recommendation; and,

WHEREAS, said Municipal Planning Commission did report its recommendation to Council on March 18, 2013 of its March 15, 2013 review of the proposed amendment to Sylvania Codified Ordinance Section 1117.07, which recommendation was as follows:

“...After comments and discussions were made by the members, Mayor Stough moved, Dr. Backus seconded to recommend approval of Proposed Ordinance No. 24-2013 with the recommendation that further consideration be given to the following:

1. To not allow boat or RV storage on either street frontage of corner lots.
2. That permanent storage of unmaintained or unusable boats or RVs not be allowed.

Vote being: Stough, Backus, Marciniak (3) aye; (0) nay. Motion passed by a 3 to 0 vote....”

and,

WHEREAS, this Council, on March 18, 2013, established May 6, 2013, at 6:30 p.m., as the date and time for the Public Hearing before this Council on said proposed amendments; and,

WHEREAS, such Hearing was advertised pursuant to the Codified Ordinances of the City and notices given as required and the Hearing was duly held at the date, time and location specified in the notices and advertisements; and,

WHEREAS, following the public hearing, this matter was discussed at the City Council meeting on May 6, 2013 and thereafter a recommendation was made to refer this issue to the Zoning and Annexation Committee for its review and recommendation; and,

WHEREAS, the Zoning and Annexation Committee met on June 13, 2013 and August 28, 2013 to consider the proposed amendments and thereafter recommended that Sylvania Codified Ordinance Section 1121.07 be amended as set forth on "Exhibit A" attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That Section 1117.07 – Accessory Buildings and Uses of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached "Exhibit A."

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the amendment to this Chapter should be provided for immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2013, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

* * *

(d) Recreational Vehicle, Utility Trailers and Equipment Storage.

- (1) All recreational vehicles and equipment shall be kept in clean, good repair and carry a current license plate and registration where required by law.
- (2) No recreational vehicles, utility trailers and/or equipment shall be parked or stored on a property unless it is titled to, leased or used exclusively by one or more of the permanent occupants of the residence where the recreational vehicle, utility trailer, and/or equipment is located.
- (3) Only one recreational vehicle, utility trailer or equipment shall be in the rear or side yard, no front yard storage permitted, except that such recreational vehicle, utility trailer and/or equipment may be parked on the driveway or paved portions of a front yard for the purpose of loading and unloading for a period of time not to exceed seventy-two (72) hours within any consecutive seven (7) day period.
- (4) Recreational vehicles, utility trailers, and/or equipment shall be a minimum of five (5) feet from any lot line and the front foremost point of the recreational vehicle, trailer and/or equipment shall be a minimum of five (5) feet to the rear of the front of any dwelling on the same lot or an adjacent lot, whichever dwelling has the greater setback from the street.
- (5) Any recreational vehicle, utility trailer, and/or equipment in excess of 20 feet in length shall be an additional one foot from any lot line for each additional five (5) feet or any portion thereof of vehicle, utility trailer and/or equipment storage length, i.e., a recreational vehicle 33' in length shall be 8' from any property line.
- (6) Recreational vehicle, utility trailer, and/or equipment which is so parked shall not have fixed connections to electrical, water, gas or sewer facilities.
- (7) Recreational vehicle, utility trailer, and/or equipment which is so parked shall not be used for living or housekeeping purposes.
- (8) Recreational vehicles, utility trailer, and/or equipment must be stored on a properly maintained hard surface (crushed stone, concrete, or asphalt).
- (9) Recreational vehicles shall not be covered with any type of tarp material other than covers specifically manufactured for the vehicle/equipment being stored. Covers with snaps made to attach to boats/equipment are acceptable.
- (10) No recreational vehicle shall be openly visible from an adjoining lot. Landscape screening and fencing, as permitted within this Zoning Code, are permissible to satisfy this requirement. Screening of evergreens or other suitable plant material, not less than five feet high with an expected normal growth to seven feet are also permissible to satisfy this requirement.
- (11) Recreational vehicles on corner lots shall be at least sixty (60) feet from both the front lot line and the side yard lot line nearest the street. All screening requirements are to be adhered to.

- (e) Location of Accessory Buildings. An accessory building not exceeding twenty feet in height may be located in the buildable portion of a lot, but may occupy not more than thirty percent of the area of a rear yard. No accessory building shall be closer than ten feet to the main building, closer than sixty feet to the front lot line nor closer than three feet to any other lot line, except that an accessory building may be within five feet of a residential main building if no windows or doors are located in that portion of a wall of the dwelling that is directly opposite and parallel to a wall of the accessory building.
- (f) Temporary Parking of Business Trailer. No person shall park or store a business trailer in a residential area of the City, except in a completely enclosed garage or building, excepting therefrom the temporary outside parking of such business trailer shall be permitted in the front yard and/or side yard for a period not to exceed a total of twenty-four hours in any consecutive ten day period.
- (g) Portable Storage Containers. Residential use properties are permitted one portable storage container for an aggregate of fourteen total days per year. The container must be situated on a paved surface and be set back a minimum of ten feet from the right of way, easement of access, or edge of pavement, whichever is the greater setback. A portable storage container is intended to provide “temporary” storage for moving and similar short-term purposes. These units are not permitted as a permanent accessory storage structure, regardless of the proposed location of the unit. A temporary/accessory residential use zoning certificate if required before the container is placed on-site. Nonresidential use properties are permitted one portable storage container for fourteen total days per year. The container must be situated on a paved surface and be set back a minimum of ten feet from the right of way, easement of access, or edge of pavement, whichever is the greater setback. These units are not permitted as a permanent accessory storage structure, regardless of the proposed location of the unit. A temporary commercial use zoning certificate is required before the container is placed on site.

(Ord. _____-2013. Passed _____-2013.)

ORDINANCE NO. 72 -2013

AMENDING PART ELEVEN – PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF SYLVANIA, 1979, AS AMENDED, BY AMENDING SECTION 1119.07 – ACCESSORY BUILDINGS AND USES; APPROVING THE RECOMMENDATION OF THE SYLVANIA MUNICIPAL PLANNING COMMISSION; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 70-2013, passed September 16, 2013, amended Sylvania Codified Ordinance Section 1117.07 – Accessory Buildings and Uses in R-1 Single Family Large Lot Residential District; and,

WHEREAS, throughout the process of reviewing the amendments to Sylvania Codified Ordinance Section 1117,07, an amendment to Sylvania Codified Ordinance Section 1119.07 – Accessory Buildings and Uses in R-1-A Two-Family Residential Large Lot District was proposed; and,

WHEREAS, Sylvania Codified Ordinance Section 1119.07 should be amended as set forth on “Exhibit A” attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That Section 1119.07 – Accessory Buildings and Uses of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A.”

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the amendment to this Chapter should be provided for immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2013, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

* * *

(d) Recreational Vehicle, Utility Trailers and Equipment Storage.

- (1) All recreational vehicles and equipment shall be kept in clean, good repair and carry a current license plate and registration where required by law.
- (2) No recreational vehicles, utility trailers and/or equipment shall be parked or stored on a property unless it is titled to, leased or used exclusively by one or more of the permanent occupants of the residence where the recreational vehicle, utility trailer, and/or equipment is located.
- (3) Only one recreational vehicle, utility trailer or equipment shall be in the rear or side yard, no front yard storage permitted, except that such recreational vehicle, utility trailer and/or equipment may be parked on the driveway or paved portions of a front yard for the purpose of loading and unloading for a period of time not to exceed seventy-two (72) hours within any consecutive seven (7) day period.
- (4) Recreational vehicles, utility trailers, and/or equipment shall be a minimum of five (5) feet from any lot line and the front foremost point of the recreational vehicle, trailer and/or equipment shall be a minimum of five (5) feet to the rear of the front of any dwelling on the same lot or an adjacent lot, whichever dwelling has the greater setback from the street.
- (5) Any recreational vehicle, utility trailer, and/or equipment in excess of 20 feet in length shall be an additional one foot from any lot line for each additional five (5) feet or any portion thereof of vehicle, utility trailer and/or equipment storage length, i.e., a recreational vehicle 33' in length shall be 8' from any property line.
- (6) Recreational vehicle, utility trailer, and/or equipment which is so parked shall not have fixed connections to electrical, water, gas or sewer facilities.
- (7) Recreational vehicle, utility trailer, and/or equipment which is so parked shall not be used for living or housekeeping purposes.
- (8) Recreational vehicles, utility trailer, and/or equipment must be stored on a properly maintained hard surface (crushed stone, concrete, or asphalt).
- (9) Recreational vehicles shall not be covered with any type of tarp material other than covers specifically manufactured for the vehicle/equipment being stored. Covers with snaps made to attach to boats/equipment are acceptable.
- (10) No recreational vehicle shall be openly visible from an adjoining lot. Landscape screening and fencing, as permitted within this Zoning Code, are permissible to satisfy this requirement. Screening of evergreens or other suitable plant material, not less than five feet high with an expected normal growth to seven feet are also permissible to satisfy this requirement.
- (11) Recreational vehicles on corner lots shall be at least sixty (60) feet from both the front lot line and the side yard lot line nearest the street. All screening requirements are to be adhered to.

- (e) Location of Accessory Buildings. An accessory building not exceeding twenty feet in height may be located in the buildable portion of a lot, but may occupy not more than thirty percent of the area of a rear yard. No accessory building shall be closer than ten feet to the main building, closer than sixty feet to the front lot line nor closer than three feet to any other lot line, except that an accessory building may be within five feet of a residential main building if no windows or doors are located in that portion of a wall of the dwelling that is directly opposite and parallel to a wall of the accessory building.
- (f) Temporary Parking of Business Trailer. No person shall park or store a business trailer in a residential area of the City, except in a completely enclosed garage or building, excepting therefrom the temporary outside parking of such business trailer shall be permitted in the front yard and/or side yard for a period not to exceed a total of twenty-four hours in any consecutive ten day period.
- (g) Portable Storage Containers. Residential use properties are permitted one portable storage container for an aggregate of fourteen total days per year. The container must be situated on a paved surface and be set back a minimum of ten feet from the right of way, easement of access, or edge of pavement, whichever is the greater setback. A portable storage container is intended to provide “temporary” storage for moving and similar short-term purposes. These units are not permitted as a permanent accessory storage structure, regardless of the proposed location of the unit. A temporary/accessory residential use zoning certificate if required before the container is placed on-site. Nonresidential use properties are permitted one portable storage container for fourteen total days per year. The container must be situated on a paved surface and be set back a minimum of ten feet from the right of way, easement of access, or edge of pavement, whichever is the greater setback. These units are not permitted as a permanent accessory storage structure, regardless of the proposed location of the unit. A temporary commercial use zoning certificate is required before the container is placed on site.

(Ord. _____-2013. Passed _____-2013.)

8c

ORDINANCE NO. 73 -2013

**AMENDING PART ELEVEN – PLANNING AND ZONING CODE OF THE
CODIFIED ORDINANCES OF SYLVANIA, 1979, AS AMENDED, BY
AMENDING SECTION 1121.07 – ACCESSORY BUILDINGS AND USES;
APPROVING THE RECOMMENDATION OF THE SYLVANIA
MUNICIPAL PLANNING COMMISSION; AND DECLARING AN
EMERGENCY.**

WHEREAS, Ordinance No. 70-2013, passed September 16, 2013, amended Sylvania Codified Ordinance Section 1117.07 – Accessory Buildings and Uses in R-1 Single Family Large Lot Residential District; and,

WHEREAS, throughout the process of reviewing the amendments to Sylvania Codified Ordinance Section 1117.07, an amendment to Sylvania Codified Ordinance Section 1121.07 – Accessory Buildings and Uses in R-2 Single Family Residential Small Lot District was proposed; and,

WHEREAS, Sylvania Codified Ordinance Section 1121.07 should be amended as set forth on “Exhibit A” attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That Section 1121.07 – Accessory Buildings and Uses of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A.”

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the amendment to this Chapter should be provided for immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2013, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

* * *

(d) Recreational Vehicle, Utility Trailers and Equipment Storage.

- (1) All recreational vehicles and equipment shall be kept in clean, good repair and carry a current license plate and registration where required by law.
- (2) No recreational vehicles, utility trailers and/or equipment shall be parked or stored on a property unless it is titled to, leased or used exclusively by one or more of the permanent occupants of the residence where the recreational vehicle, utility trailer, and/or equipment is located.
- (3) Only one recreational vehicle, utility trailer or equipment shall be in the rear or side yard, no front yard storage permitted, except that such recreational vehicle, utility trailer and/or equipment may be parked on the driveway or paved portions of a front yard for the purpose of loading and unloading for a period of time not to exceed seventy-two (72) hours within any consecutive seven (7) day period.
- (4) Recreational vehicles, utility trailers, and/or equipment shall be a minimum of five (5) feet from any lot line and the front foremost point of the recreational vehicle, trailer and/or equipment shall be a minimum of five (5) feet to the rear of the front of any dwelling on the same lot or an adjacent lot, whichever dwelling has the greater setback from the street.
- (5) Any recreational vehicle, utility trailer, and/or equipment in excess of 20 feet in length shall be an additional one foot from any lot line for each additional five (5) feet or any portion thereof of vehicle, utility trailer and/or equipment storage length, i.e., a recreational vehicle 33' in length shall be 8' from any property line.
- (6) Recreational vehicle, utility trailer, and/or equipment which is so parked shall not have fixed connections to electrical, water, gas or sewer facilities.
- (7) Recreational vehicle, utility trailer, and/or equipment which is so parked shall not be used for living or housekeeping purposes.
- (8) Recreational vehicles, utility trailer, and/or equipment must be stored on a properly maintained hard surface (crushed stone, concrete, or asphalt).
- (9) Recreational vehicles shall not be covered with any type of tarp material other than covers specifically manufactured for the vehicle/equipment being stored. Covers with snaps made to attach to boats/equipment are acceptable.
- (10) No recreational vehicle shall be openly visible from an adjoining lot. Landscape screening and fencing, as permitted within this Zoning Code, are permissible to satisfy this requirement. Screening of evergreens or other suitable plant material, not less than five feet high with an expected normal growth to seven feet are also permissible to satisfy this requirement.
- (11) Recreational vehicles on corner lots shall be at least sixty (60) feet from both the front lot line and the side yard lot line nearest the street. All screening requirements are to be adhered to.

- (e) Location of Accessory Buildings. An accessory building not exceeding twenty feet in height may be located in the buildable portion of a lot, but may occupy not more than thirty percent of the area of a rear yard. No accessory building shall be closer than ten feet to the main building, closer than sixty feet to the front lot line nor closer than three feet to any other lot line, except that an accessory building may be within five feet of a residential main building if no windows or doors are located in that portion of a wall of the dwelling that is directly opposite and parallel to a wall of the accessory building.
- (f) Temporary Parking of Business Trailer. No person shall park or store a business trailer in a residential area of the City, except in a completely enclosed garage or building, excepting therefrom the temporary outside parking of such business trailer shall be permitted in the front yard and/or side yard for a period not to exceed a total of twenty-four hours in any consecutive ten day period.
- (g) Portable Storage Containers. Residential use properties are permitted one portable storage container for an aggregate of fourteen total days per year. The container must be situated on a paved surface and be set back a minimum of ten feet from the right of way, easement of access, or edge of pavement, whichever is the greater setback. A portable storage container is intended to provide “temporary” storage for moving and similar short-term purposes. These units are not permitted as a permanent accessory storage structure, regardless of the proposed location of the unit. A temporary/accessory residential use zoning certificate if required before the container is placed on-site. Nonresidential use properties are permitted one portable storage container for fourteen total days per year. The container must be situated on a paved surface and be set back a minimum of ten feet from the right of way, easement of access, or edge of pavement, whichever is the greater setback. These units are not permitted as a permanent accessory storage structure, regardless of the proposed location of the unit. A temporary commercial use zoning certificate is required before the container is placed on site.

(Ord. ____-2013. Passed _____-2013.)

ORDINANCE NO. 74 -2013

AMENDING PART ELEVEN – PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF SYLVANIA, 1979, AS AMENDED, BY AMENDING SECTION 1123.07 – ACCESSORY BUILDINGS AND USES; APPROVING THE RECOMMENDATION OF THE SYLVANIA MUNICIPAL PLANNING COMMISSION; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 70-2013, passed September 16, 2013, amended Sylvania Codified Ordinance Section 1117.07 – Accessory Buildings and Uses in R-1 Single Family Large Lot Residential District; and,

WHEREAS, throughout the process of reviewing the amendments to Sylvania Codified Ordinance Section 1117.07, an amendment to Sylvania Codified Ordinance Section 1123.07 – Accessory Buildings and Uses in R-2-A Two-Family Residential Small Lot District was proposed; and,

WHEREAS, Sylvania Codified Ordinance Section 1123.07 should be amended as set forth on “Exhibit A” attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That Section 1123.07 – Accessory Buildings and Uses of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A.”

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the amendment to this Chapter should be provided for immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2013, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

* * *

(c) Recreational Vehicle, Utility Trailers and Equipment Storage.

- (1) All recreational vehicles and equipment shall be kept in clean, good repair and carry a current license plate and registration where required by law.
- (2) No recreational vehicles, utility trailers and/or equipment shall be parked or stored on a property unless it is titled to, leased or used exclusively by one or more of the permanent occupants of the residence where the recreational vehicle, utility trailer, and/or equipment is located.
- (3) Only one recreational vehicle, utility trailer or equipment shall be in the rear or side yard, no front yard storage permitted, except that such recreational vehicle, utility trailer and/or equipment may be parked on the driveway or paved portions of a front yard for the purpose of loading and unloading for a period of time not to exceed seventy-two (72) hours within any consecutive seven (7) day period.
- (4) Recreational vehicles, utility trailers, and/or equipment shall be a minimum of five (5) feet from any lot line and the front foremost point of the recreational vehicle, trailer and/or equipment shall be a minimum of five (5) feet to the rear of the front of any dwelling on the same lot or an adjacent lot, whichever dwelling has the greater setback from the street.
- (5) Any recreational vehicle, utility trailer, and/or equipment in excess of 20 feet in length shall be an additional one foot from any lot line for each additional five (5) feet or any portion thereof of vehicle, utility trailer and/or equipment storage length, i.e., a recreational vehicle 33' in length shall be 8' from any property line.
- (6) Recreational vehicle, utility trailer, and/or equipment which is so parked shall not have fixed connections to electrical, water, gas or sewer facilities.
- (7) Recreational vehicle, utility trailer, and/or equipment which is so parked shall not be used for living or housekeeping purposes.
- (8) Recreational vehicles, utility trailer, and/or equipment must be stored on a properly maintained hard surface (crushed stone, concrete, or asphalt).
- (9) Recreational vehicles shall not be covered with any type of tarp material other than covers specifically manufactured for the vehicle/equipment being stored. Covers with snaps made to attach to boats/equipment are acceptable.
- (10) No recreational vehicle shall be openly visible from an adjoining lot. Landscape screening and fencing, as permitted within this Zoning Code, are permissible to satisfy this requirement. Screening of evergreens or other suitable plant material, not less than five feet high with an expected normal growth to seven feet are also permissible to satisfy this requirement.
- (11) Recreational vehicles on corner lots shall be at least sixty (60) feet from both the front lot line and the side yard lot line nearest the street. All screening requirements are to be adhered to.

- (d) An accessory building not exceeding twenty feet in height may be located in the buildable portion of a lot, but may occupy not more than thirty percent of the area of a rear yard. No accessory building shall be closer than ten feet to the main building, closer than sixty feet to the front lot line nor closer than three feet to any other lot line, except that an accessory building may be within five feet of a residential main building if no windows or doors are located in that portion of a wall of the dwelling that is directly opposite and parallel to a wall of the accessory building.

(Ord. _____-2013. Passed _____-2013.)

9a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

October 1, 2013

To: The Mayor and Members of Sylvania City Council

Re: **PROFESSIONAL ENGINEERING SERVICES
BRINT & MCCORD INTERSECTION IMPROVEMENTS**

Dear Mr. Mayor and Council Members:

DGL Consulting Engineers, LLC is currently under contract with the City to provide professional engineering services for the above referenced project as approved by Ordinance No. 62-12. This intersection is currently under design as a signalized intersection based on a traffic study performed in 2012.

The City requested that DGL investigate the engineering and financial impacts of expanding the project scope to accommodate a north leg approach based on a future planning project at Lourdes University. After the analysis, we have determined it to be cost effective to proceed ahead and include a portion of the north leg approach improvements as a part of this project.

DGL has prepared a proposal for additional engineering services to incorporate these improvements into the contract documents.

We would recommend that the proposal from DGL in the amount of \$5,000 for additional professional engineering services be accepted.

Sincerely,

Kevin G. Aller, P.E.
Director of Public Service
dsw



DGL Consulting Engineers, LLC
Experience that matters! • Founded 1926

June 3, 2013

City of Sylvania
6730 Monroe Street
Sylvania, Oh 43560

Attn: Kevin G. Aller, P.E.
Director of Public Service

Re: Proposal for Professional Services
Brint/McCord Design Modification

Dear Mr. Aller:

In response to my directive from Joe Shaw, please consider this letter as ***DGL Consulting Engineers'*** request for an engineering design modification for the Brint/McCord Signalization project. The additional work will include design of the north approach so that a final signal design can be implemented. The new approach will be the tie in point for a future Lourdes University project.

DGL will add plan sheets to the signal construction plans. The additional sheets will be an intersection detail plan and quantities. New ADA compliant curb ramps will be designed as a part of the project. A pavement design will be determined and incorporated into the plans. DGL will add the paving items into the bid documents that were already being prepared for the signal.

DGL proposes an additional Lump Sum Fee of \$5,000 to complete the work. Hourly breakdowns for work tasks are included as Enclosure A.

A review of our workload and staffing projections has indicated that the project can be completed within eight weeks of authorization.

If this proposal is acceptable to you, please so indicate below and return one copy to this office. Please call me if there are questions or you require additional information.

Sincerely,
DGL Consulting Engineers, LLC

A handwritten signature in cursive script that reads 'Laurie L. Adams'.

Laurie L. Adams, P.E., PTOE
Director of Civil and Traffic Engineering

Enclosure

9b

ORDINANCE NO. 75 -2013

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPROVE THE AMENDMENT TO THE CITY'S AGREEMENT WITH DGL CONSULTING ENGINEERS, LLC TO REFLECT THE ADDITIONAL TIME REQUIRED DUE TO A CHANGE IN SCOPE OF THE BRINT AND McCORD INTERSECTION IMPROVEMENT PROJECT; INCREASING THE PROPOSAL AMOUNT BY \$5,000.00; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 62-2012, passed November 5, 2012, accepted the proposal of DGL Consulting Engineers, LLC (hereafter "DGL") to provide professional engineering services for the Brint and McCord Intersection Improvement Project at a cost not to exceed Eleven Thousand Dollars (\$11,000.00); and,

WHEREAS, after that proposal was accepted, the City requested that DGL investigate the engineering and financial impacts of expanding the project scope to accommodate a north leg approach based on a future planning project at Lourdes University; and,

WHEREAS, after reviewing DGL's analysis of the engineering and financial impacts of expanding the scope of the project, the Director of Public Service determined that it is cost effective to include a portion of the north leg approach improvements as a part of this project; and,

WHEREAS, this change in scope of the project required additional engineering services to incorporate the changes to the project into the contract documents; and,

WHEREAS, the Director of Public Service, by report dated October 1, 2013, has recommended approval of the additional engineering services in the amount not to exceed \$5,000 to prepare the drawings incorporating the requested change.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That said increase in the proposal in the amount of Five Thousand Dollars (\$5,000.00), authorized to be appropriated be, and the same hereby is, approved, and the Mayor and the Director of Finance be, and they hereby are, authorized to sign said proposal amendment on behalf of this City, thereby indicating such approval and changing the total contract amount.

SECTION 2. That to provide funds for said services hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7610-53613 – Brint/McCord Intersection Improvement Project** the total sum of Five Thousand Dollars (\$5,000.00).

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the City should provide for the payment for the additional services provided at the earliest possible time so as to preserve the good credit of this City. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2013, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

ORDINANCE NO. 76 -2013

AN ORDINANCE APPROPRIATING THE FEE SIMPLE TITLE TO THE CITY OF SYLVANIA IN AND TO CERTAIN REAL ESTATE FOR THE CONSTRUCTION OF A ROUNDABOUT AT THE BRINT AND KING ROUNDABOUT; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF \$23,750.00 FOR SUCH PURPOSE; AND DECLARING AN EMERGENCY.

WHEREAS, on the 3rd day of September, 2013, Council of the City of Sylvania, Ohio, adopted Resolution No. 11-2003, declaring the necessity and intent to appropriate the land hereinafter described, notice of the adoption of such Resolution having been served on the owner of, or person having an interest of record in said premises; and,

WHEREAS, it is immediately necessary to appropriate the fee simple interest in and to the hereinafter described parcel of real estate necessary to be acquired for the construction of a roundabout at the Brint and King intersection which is necessary for the immediate preservation of the public peace, property, health and safety.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That a fee simple title, in and to the parcel of real estate described on "Exhibit A" attached hereto, be, and the same hereby is, appropriated for the public purpose for the construction of a roundabout at the Brint and King intersection, pursuant to and in accordance with Resolution No. 11-2013 of the City of Sylvania, the Charter of the City of Sylvania, Ohio, the Constitution of the State of Ohio, and Sections 719.01 and 719.02 of the Revised Code of Ohio.

SECTION 2. That the Council of the City of Sylvania, Ohio, hereby fixes the value of said fee simple interest at Twenty-Three Thousand Seven Hundred Fifty Dollars (\$23,750.00) and establishes said amount as being the total amount to be paid as full and fair compensation for the acquisition of said interest in said property.

SECTION 3. That the amount of Twenty-Three Thousand Seven Hundred Fifty Dollars (\$23,750.00), being the amount set forth in Section 2, herein, be deposited with the Court of Common Pleas of Lucas County, Ohio, for the use and benefit of the owner of the property appropriated, and upon such deposit with said Court, the City of Sylvania shall take possession of and enter upon such property pursuant to and in accordance with Resolution No. 11-2013, the Charter of the City of Sylvania, Ohio, the Constitution of the State of Ohio, and Sections 719.01 and 719.02 of the Revised Code of Ohio.

SECTION 4. That the Council of the City of Sylvania, Ohio, finds that the appropriation of property made herein is necessary for the said public purposes; that the City has been unable to agree with an owner of the property appropriated herein, and that the City intends to obtain immediate possession of the above-described property, which immediate possession is necessary for said public purposes.

SECTION 5. That Louisville Title Agency for N.W. Ohio, Inc., Trustee appears of record to be the owner of the property herein appropriated.

SECTION 6. That the Director of Law be, and he hereby is authorized and directed to file a complaint in a Court of competent jurisdiction, to have a jury impaneled and to make inquiry into and assess the compensation to be paid for the aforesaid.

SECTION 7. That, to provide funds for payment of \$23,750.00, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND**, from funds therein not heretofore transferred or appropriated, to **Account No. 401-7610-53587 – Brint/King Intersection Improvements**, the sum of Twenty-Three Thousand Seven Hundred Fifty Dollars (\$23,750.00).

SECTION 8. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 10. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that it is immediately necessary to appropriate the fee simple title in and to the property described herein. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2013, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

11

ORDINANCE NO. 77 -2013

REVISING THE ADMINISTRATIVE, DEPARTMENTAL AND DIVISIONAL ORGANIZATION OF THE CITY AND THE CODIFIED ORDINANCES THEREOF BY CREATING THE NEW POSITION OF "ASSISTANT DIRECTOR OF LAW"; AMENDING SYLVANIA CODIFIED ORDINANCE CHAPTER 131 – DEPARTMENT OF LAW TO ADD THE POSITION OF "ASSISTANT DIRECTOR OF LAW" UNDER THE SUPERVISION OF THE DIRECTOR OF LAW FROM DECEMBER 1, 2013 THROUGH DECEMBER 31, 2013 AT WHICH TIME THE POSITION OF "ASSISTANT DIRECTOR OF LAW" SHALL BE ELIMINATED; AMENDING SYLVANIA CODIFIED ORDINANCE SECTION 139.02(e)(3) TO SET THE SALARY OF THE ASSISTANT DIRECTOR OF LAW AT \$90,000 ANNUALLY AND TO CHANGE THE SALARY OF THE DIRECTOR OF LAW TO \$90,000 ANNUALLY EFFECTIVE JANUARY 1, 2014; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That Sections 131.01 and 139.03(e)(3) of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached "Exhibit A" from December 1, 2013 through December 31, 2013.

SECTION 2. That Sections 131.01 and 139.03(e)(3) of the Codified Ordinances of Sylvania, 1979, as amended, be, and the same hereby is, amended to read as set forth on the attached "Exhibit B" from January 1, 2014 and thereafter.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the changes to the administrative structure of the City should be made at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2013, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

131.01 DEPARTMENT OF LAW – DIRECTOR, ASSISTANT DIRECTOR, DIVISION
OF PROSECUTION.

(a) The Solicitor required by Article VIII Section 1.0(a) of the Charter shall be the head of the Department of Law. As head of the Department of Law, he shall be known as the Director of Law. The Director of Law shall serve the Mayor, Council, the administrative departments and the officers, boards and commissions of the City as legal counsel in connection with municipal affairs and subject to the direction of the Mayor, shall represent the City in all proceedings in Court or before any administrative board, pursuant to the Charter. The Director of Law shall prepare all contracts, bonds and other instruments in writing in which the City is concerned, and shall endorse on each his approval of the form thereof. He shall perform all other duties now or hereafter imposed upon municipal solicitors under the laws of the State except that he shall not, as Director of Law, provide legal advice, counsel or service to a City school district under Ohio R.C. 3313.35.

(b) There shall be an Assistant Director of Law, who shall be appointed by the Mayor subject to confirmation by a majority of the members of Council. The Assistant Director of Law shall assist the Director in performing all departmental duties and shall perform those duties assigned to the Assistant by the Director. The Director of Law shall perform the duties of the Assistant Director of Law, without additional compensation, at all times during which the position of Assistant Director of Law is vacant.

(c) The Director of Law and Assistant Director of Law shall be attorneys at law duly admitted to practice law in the State of Ohio. He shall serve the city as an officer of the City pursuant to the Position and Compensation Plan as to salary. The Law Director and Assistant Law Director shall be compensated in accordance with the provisions made for them in the Position and Compensation Plan. The Director of Law shall oversee the Division of Prosecution.

* * *

(Ord. _____-2013. Passed _____-2013.)

139.02(e)(3) Compensation for elective and appointive officials. The following elective and appointed officials which are not otherwise provided for in this chapter shall be compensated as follows:

<u>TITLE</u>	<u>RATE</u>
	* * *
Assistant Director of Law*	\$90,000 annually commencing December 1, 2013 through December 31, 2013.
	* * *

(Ord. ____-2013. Passed ____-2013.)

*Those persons in this subsection (e)(3) occupying the positions indicated above by an asterisk after such position shall each have the sum of one thousand dollars (\$1,000) paid and deposited by the City to their respective credit in one of the City's approved deferred compensation plans annually commencing with the year 1991.

"Exhibit A-2"

131.01 DEPARTMENT OF LAW – DIRECTOR, DIVISION OF PROSECUTION.

(a) The Solicitor required by Article VIII Section 1.0(a) of the Charter shall be the head of the Department of Law. As head of the Department of Law, he shall be known as the Director of Law. The Director of Law shall serve the Mayor, Council, the administrative departments and the officers, boards and commissions of the City as legal counsel in connection with municipal affairs and subject to the direction of the Mayor, shall represent the City in all proceedings in Court or before any administrative board, pursuant to the Charter. The Director of Law shall prepare all contracts, bonds and other instruments in writing in which the City is concerned, and shall endorse on each his approval of the form thereof. He shall perform all other duties now or hereafter imposed upon municipal solicitors under the laws of the State except that he shall not, as Director of Law, provide legal advice, counsel or service to a City school district under Ohio R.C. 3313.35.

(b) The Director of Law shall be an attorney at law duly admitted to practice law in the State of Ohio. He shall serve the city as an officer of the City pursuant to the Position and Compensation Plan as to salary. The Law Director shall be compensated in accordance with the provisions made for them in the Position and Compensation Plan. The Director of Law shall oversee the Division of Prosecution.

(c) The Department of Law shall have a Division of Prosecution comprised of one full-time prosecutor, one part-time assistant prosecutor, one Secretary II, and one Secretary who will be employed on a part-time basis, who shall serve under the direction of the Prosecutor. The prosecutor and assistant prosecutor in the division of Prosecution shall be primarily responsible for the prosecution of all City of Sylvania and State cases in Sylvania Municipal Court and the cases of all municipalities with whom the City of Sylvania has contracted to provide prosecutorial services, subject to the oversight of the Director of Law. The prosecutor and assistant prosecutor shall be attorneys at law duly admitted to practice law in the State of Ohio. The prosecutor and assistant prosecutor shall be appointed by the Mayor, subject to confirmation by a majority of the members of Council, to serve until removed as provided in Section 5.0(c) of Article IV of the Charter. The Mayor may appoint, on a case by case basis, such Special Prosecutors as may be necessary when the prosecutor and/or assistant prosecutor has a potential conflict of interest or there exists other legal grounds why the prosecutor should not prosecute a particular case. The Prosecutor and Assistant Prosecutor shall be compensated in accordance with the provision made for them in the Position and Compensation Plan. The Prosecutor shall submit reports to the Director of Law at such frequency, in such detail and covering such matters as the Director shall require.

(Ord. _____-2013. Passed _____-2013.)

139.02(e)(3) Compensation for elective and appointive officials. The following elective and appointed officials which are not otherwise provided for in this chapter shall be compensated as follows:

<u>TITLE</u>	<u>RATE</u>
	* * *
Director of Law*	\$90,000 annually commencing January 1, 2014 and thereafter.
	* * *

(Ord. _____-2013. Passed _____-2013.)

*Those persons in this subsection (e)(3) occupying the positions indicated above by an asterisk after such position shall each have the sum of one thousand dollars (\$1,000) paid and deposited by the City to their respective credit in one of the City's approved deferred compensation plans annually commencing with the year 1991.



September 10, 2013

Honorable Craig Stough
6635 Maplewood Ave.
Sylvania, OH 43560



Dear Mayor Craig Stough,

I am writing you because people in your community are concerned about Asian carp invading our Great Lakes and, with them, we are asking for your help. Would you consider joining the more than 30 communities around the Great Lakes region who have passed a resolution supporting the finding of a permanent solution to stop the Asian carp? A copy of that resolution, developed in partnership with the Great Lakes and St. Lawrence Cities Initiative, is enclosed and a map of communities who have passed the resolution can be found on our website at freshwaterfuture.org.

Asian carp, an invasive species, are swimming toward our Great Lakes. Asian carp, including bighead and silver carp, are well suited for our climate. They consume vast amounts of food, reproduce quickly and are wiping out native fish where they thrive. In Illinois, the Asian carp population has doubled every year since they swam into the Illinois River. Silver carp can jump 10 feet high, resulting in numerous injuries to boaters and other recreational users. If these invasive fish become established, our \$7 billion regional fishing industry would be at risk along with our family past times and recreational enjoyment of our favorite lakes and rivers because:

- Invasive species are one of the greatest sources of ecological and economic damage to the Great Lakes;
- Three varieties of Asian carp, including silver, black, and bighead carp, have moved up the Mississippi and Illinois Rivers to a point 40 miles from Lake Michigan; and
- Asian carp are voracious eaters and reproduce so rapidly they take over many waterways, driving out other kinds of fish, including prized sport fish.

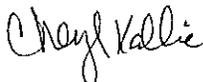
Local units of government can play an important role in stopping this threat. Tens of thousands of people have contacted their Members of Congress, letting them know they want the strongest actions possible to stop Asian carp. Thus far pressure from the Great Lakes region has had a meaningful impact that resulted in a policy moving us in the right direction, but the job itself is far from done. Support for these efforts from local units of government can help move solutions forward. We need to keep this momentum going and demonstrate to Congress growing support for stopping the Asian carp.

This summer Freshwater Future reached out to people in communities around the region and we heard back from members of your community – see the enclosed post cards. Your community can help by passing the “Keep Asian Carp Out of the Great Lakes” resolution in support of stopping Asian carp and

protecting your community, its inland rivers, lakes and streams and the Great Lakes from this invasive species. Your community can be part of the growing chorus of support around the region letting decision makers know we want the Asian carp stopped and we want fast action.

If you have any questions, please don't hesitate to contact me at Cheryl@freshwaterfuture.org or 231-571-5001. If you are able to pass this resolution in your community, please let me know as I would welcome the opportunity to add your community to the list of communities around the region supporting efforts to stop the Asian carp from invading our Great Lakes.

Sincerely,

A handwritten signature in black ink that reads "Cheryl Kallio". The signature is written in a cursive, flowing style.

Cheryl Kallio, Associate Director
Freshwater Future

Keeping Asian Carp Out of the Great Lakes

WHEREAS, the Great Lakes and St. Lawrence represent the largest body of surface fresh water in the world and are a vibrant, diverse ecosystem that is critically important to the economic well-being and quality of life of the Canadian and U.S. populations in the region;

WHEREAS, over 180 invasive species have entered the Great Lakes and its connecting water ways over the years and caused widespread damage and disruption to the natural balance of the system, as well as significant economic damage;

WHEREAS, one of the most serious threats ever presented by invasive species currently comes from Asian carp, including silver, bighead, and black varieties;

WHEREAS, these varieties of carp were introduced to the southern United States for use in fish farms for algae control in the 1970's and escaped into the Mississippi River system.

WHEREAS, invasive species have already inflicted hundreds of millions in damage across the Great Lakes and St. Lawrence, and invasive carp pose a serious threat to the \$7 billion sport and commercial fishery that support the economy and help define the culture of the entire region;

WHEREAS, the invasive carp have migrated northward through the Mississippi River system as far north as Wisconsin, Minnesota, Illinois, Indiana, and Ohio, reducing significantly or eliminating populations of the more desirable species of fish because of their voracious food consumption and prolific reproduction;

WHEREAS, the invasive carp are threatening to enter the Great Lakes at a number of points across the region;

WHEREAS, many federal, state, provincial, and local government agencies in the United States and Canada have worked diligently and expended tens of millions of dollars over the past 10 years on a variety of projects to keep invasive carp out of the Great Lakes;

WHEREAS, including the invasive carp, there are 39 invasive species in the two basins that present a threat to cross over into the other basin in the near future;

WHEREAS, once an invasive species establishes itself in an ecosystem, it is exceedingly difficult, if not impossible, to eradicate it, and it often inflicts serious damage on the ecosystem and imposes major costs in efforts to control it;

WHEREAS, Asian carp pose a dangerous risk of injury to recreational users on waters infested with Asian carp;

WHEREAS, Canadian and U.S. citizens across the basin have expressed serious concern about the invasive carp and other invasive species, and are demanding prompt action;

WHEREAS, the U.S. Army Corps of Engineers is conducting a multiyear, comprehensive study across the U.S. side of the Great Lakes basin called the "Great Lakes and Mississippi River Interbasin Study" (GLMRIS) that examines 19 separate locations where invasive carp could cross from the Mississippi River Basin to the Great Lakes Basin, and considers a large number of potential ways to stop the further migration;

NOW, THEREFORE, BE IT RESOLVED, that the invasive carp in the Mississippi River system pose one of the greatest threats to the integrity and well-being of the Great Lakes and St. Lawrence ecosystem, including the 40 million Canadians and Americans who live there;

BE IT FURTHER RESOLVED, that preventing the invasive carp from entering the Great Lakes and St. Lawrence ecosystem needs to be approached with the greatest sense of urgency by all those responsible for dealing with this matter;

BE IT FURTHER RESOLVED, that physical separation is the most effective way to keep invasive carp from entering Lake Michigan through the Chicago Area Waterway System, and such barriers would also prevent the movement of many other invasive species from one basin to the other;

BE IT FURTHER RESOLVED, that physical separation is feasible and can be done in a way that maintains or enhances water quality, flood control, and transportation in the system;

BE IT FURTHER RESOLVED, that additional steps must be taken in the interim to keep invasive carp out while the long term solution is put in place;

NOW THEREFORE BE IT RESOLVED that the (municipality name here) strongly urges all parties involved to identify a preferred solution to the invasive carp issue and move forward to implement that solution with the greatest sense of urgency.

Adopted on _____ by the (municipality and/or committee name here).

Vote: _____ Yeas _____ Nays _____ Absent

Signed _____

_____ Dated

A

October 4, 2013

MEMO

To: Mayor Stough & City Council
Cc: Jim Moan/Kevin Aller/Toby Schroyer/Chief Rhodus
Fm: Bill Sanford
Re: 5755 Balfour

I want to give you an update on this address and what has transpired since my last memo:

- Mrs. Bee made a payment on her back taxes in September and is now on a payment plan with the Treasurer's Office of Lucas County. The plan covers 60 months and will remain in place unless she misses three consecutive payments. If that occurs the property will go to foreclosure.
- I met with Mrs. Bee and a contractor who was willing to help in the repair and maintenance items needed at the house. To complete his estimate of such a project he needed to go inside the home. Mrs. Bee would not allow this so he is not helping with the needed repairs.
- On September 17th the Zoning Office prepared a list of violations at 5755 Balfour. I hand-delivered this notice. Mrs. Bee responded. Both letters are attached.
- The last inoperable vehicle has been removed, grass has been planted in the front yard and Mrs. Bee is gathering materials to address the needs at the house.

I have stayed in constant contact with the neighbors who continue to come to our City Council meetings. They also are complaining about 5716 Balfour which we are following up on.

If you have any questions on this please let me know. I will be in touch with any other developments.



City Of Sylvania

OFFICE OF THE MAYOR

William D. Sanford
Economic Development /
Admin. Services Coordinator /
Safety Director

COPY

September 19, 2013

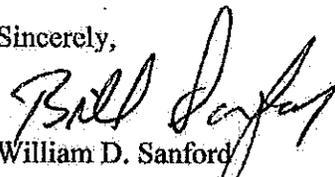
Angela Bee
5755 Balfour Rd.
Sylvania, OH 43560

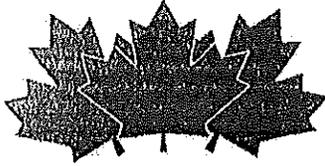
Dear Mrs. Bee,

Enclosed please find notification of code violations that you need to address. Please call me if you have any questions.

I will follow-up with you to review your plan for compliance.

Sincerely,


William D. Sanford
Economic Development



COPY

City Of Sylvania

DIVISION OF ZONING

ROBERT H. OBERLY, ZONING ADMINISTRATOR

Date: 9/17/2013 Address: 5755 BALFOUR

Dear Resident or Business Owner:

Listed below is a list of violations observed by the Zoning Division of the Department of Public Service during an inspection of properties in the City of Sylvania:

DESCRIPTION OF VIOLATION	CORRECTION WITHIN
<u> </u> Parking Motor Vehicles on Lawns	24 Hours
<u> </u> Truck Parking in Residential	24 Hours
<u> </u> Refuse Containers in Front of House	24 Hours
<u> </u> Pet Defecation Removal	24 Hours
<u> </u> Boat, Trailer, or Recreational Vehicle	48 Hours
<u> X </u> Inoperable Vehicle <u>PHIP. PHV-1863</u>	48 Hours
<u> </u> Illegal Sign	48 Hours
<u> </u> Litter or Rubbish on Property	48 Hours
<u> X </u> Weeds or Grass Taller Than Six Inches (6")	48 Hours
<u> </u> Swimming Pool Cleaned or Drained	48 Hours
<u> </u> Snow or Obstruction on Sidewalk	24 Hours
DESCRIPTION OF VIOLATION	ACKNOWLEDGE WITHIN
<u> </u> Four or More Dogs	7 Days
<u> </u> Roof Repairs	7 Days
<u> K </u> Structure Needs Painting	7 Days
<u> K </u> Trim Needs Painting	7 Days
<u> </u> Accessory Building Needs Painting	7 Days
<u> K </u> Chipping Paint	7 Days
<u> K </u> Drainage or Eaves Troughs Replaced or Repaired	7 Days
<u> </u> Stairways, Decks, Porches and Balconies	7 Days

- Other: 1. WINDOW ON SOUTH REAR BOARDED UP
 2. BRICK, STONE WORK FRONT OF HOUSE COMPLETED
 3. BROKEN BASKETBALL HOOP, EXCESSIVE TOYS IN BACK YARD
 4. VINYL SIDING MISSING, TO BE REPLACED
 5. FRONT YARD, TREE LAWN NEEDS GRASS PLANTED

Please be advised this is a warning. Please call the zoning division, 419-885-8946, for information or questions. Failure to acknowledge or correct may result in citation.

Robert Oberly
Zoning Administrator

9/24/2013

Angela Bee
5755 Balfour Rd
Sylvania, Ohio 43560

Economic Developer
William Sanford
6730 Monroe Street
Sylvania, Ohio 43560

Dear Mr. Sanford,

I am writing to address the previous letter brought to my home on 9/17/2013 which stated that there are several violations concerning my property. The inoperable vehicle was removed from my property within the 48 hour period as indicated in the previous letter from your office. The grass and weeds taller than 6" has been cut within the 48 hour period as stated also.

To acknowledge the other items in the list of violations;

Structure needs painting, Trim needs painting, and Chipping paint can all be addressed at the same time. The painting of my property on Balfour has been held up due to finances. I have not received any child support from the father of my five children. I am looking into getting help with labor and the purchasing of the paint from some of my neighbors and coworkers. I do not have a date as of yet when I will be able to start this project.

Drainage or Eaves troughs replaced or repaired will be taken care of along with Vinyl Siding Missing, this project is to be started next month.

Brick/ Stone work on front of house will be addressed as soon as possible.

Front yard, tree lawn will have grass planted within 30 days.

Window on south rear needs boarded up; I do not understand why this window needs boarded up, it is an older window but has no missing glass and it is still in decent condition.

Broken basketball hoop; The basketball hoop is not broken, nor was it, it simply had no net as the net was stolen a while back. I have replaced the net and the children are enjoying it.

Excessive toys in back yard; I need further information on this violation. What is excessive? Is there an amount per child, or per household? Are certain toys not allowed by city standards?

Angela Bee

Sincerely,

Angela Bee

Property owner
Angela Bee

Angela Bee

B



City of Sylvania

DIVISION OF TAXATION

CHRISTY M. GOLIS, COMMISSIONER OF TAXATION

October 1, 2013

Mayor Craig A. Stough and Members of Council
City of Sylvania
Sylvania, Ohio

Dear Mayor Stough and Council Members:

The monthly cash report from the Division of Taxation is as follows:

	Deposits	Refunds	Balance
September 30, 2013	647,828.18	7,098.53	640,729.65
September 30, 2012	606,340.63	13,234.42	593,106.21
Monthly Difference	41,487.55	-6,135.89	47,623.44
Year to Date 2013	7,196,113.06	156,058.95	7,040,054.11
Year to Date 2012	6,898,528.46	154,356.60	6,744,171.86
Yearly Difference	297,584.60	1,702.35	295,882.25
			4.39%

Respectfully submitted,

Christy M. Golis
Tax Commissioner

c: Mr. Toby Schroyer, Finance Director

City of Sylvania

Bank Reconciliation

September 2013



CHECKBOOK BALANCE

Ending balance for Aug 2013 \$ 21,468,820.57
 Add: Monthly Receipts 3,184,452.80
 Subtotal \$ 24,653,273.37
 Less: Monthly Disbursements 1,980,667.57
 Ending balance for Sep 2013 \$ 22,672,605.80

Less:

Certificates of Deposit \$ (1,000,000.00)
 Star Ohio (76,946.66)
 Petty Cash (1) (2,050.00)
 Cemetery Savings (1,062.86)
 Toledo Community Fund (28,386.02)
 PNC MoneyMarket (1,027,370.34)
 Key Bank Securities (1,007,562.67)
 5/3rd Securities (12,141,477.41)
 SJS Account (5,221,696.83)
 Sylvania Township Bonds (680,000.00)
 \$ 1,486,053.01

Less:

\$ 1,486,053.01

(1)

Division of Public Service \$ 150.00
 Department of Finance 100.00
 Division of Water 600.00
 Division of Police 200.00
 Municipal Court 700.00
 Division of Taxation 150.00
 Division of Forestry 150.00

Petty Cash Balance \$ 2,050.00

BANK BALANCE

EOM 5/3rd Bank Balance \$ 1,544,644.48
 Dep in Transit 2,523.93

Subtotal \$ 1,547,168.41

Less: Outstanding Checks (2) 61,115.40

Adjusted Bank Balance \$ 1,486,053.01

(2)
 Aug Outstanding Checks \$ 416,791.00

Checks written this month 1,168,769.19

Subtotal \$ 1,585,560.19

Checks Cleared (1,524,444.79)

Sep Outstanding Checks \$ 61,115.40

Toby Schroyer
 Director of Finance, City of Sylvania